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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/760,344
Filing Date: January 21, 2004
Appellant(s): CHEN, TZONG-FENG

Justin King
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/1/2009 appealing from the Office action mailed 7/16/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramfelt et al. (US 6108338), hereafter Ramfelt.

Regarding **claim 1**, Ramfelt discloses:

A method of optimizing packet flow in a ring stackable network architecture, comprising:

implementing in a ring network including a plurality of switches; (See Fig. 1, which shows a ring network with a plurality of switches.)

setting a plurality of interruption points each at a location farthest from a unique one of the switches; dividing a packet output path of each switch into two different transfer paths; (See Col. 7 line 61 - Col. 8 line 11. Since the calculation to determine whether to send packets along the counter clockwise or clockwise path is made by determining which path is shorter, an "interruption" point is created at the midpoint of each segment. There are clearly two different transfer paths, one is clockwise and one is counter clockwise.)

selecting either transfer path based on an initialization when one of the switches is about to send a packet to the other switch; and (Col. 7 line 61 - Col. 8 line 11)

sending the packet from one switch to the other switch along the selected transfer path, thereby achieving purposes of optimizing flow and fully utilizing available bandwidth. (Col. 7 line 61 - Col. 8 line 11)

Regarding **claim 2**, Ramfelt discloses:

wherein each switch comprises a first stacking port and a second stacking port. (see Fig. 1, each node contains at least a first and second port to each path.)

Regarding **claim 3**, Ramfelt discloses:

wherein with respect to the packet output path of each switch one transfer path is set as a first transfer path and the other transfer path is set as a second transfer path prior to the initialization, removing one switch, or adding a switch. (One of the rings is set as one direction, and one of the rings is set as an opposite direction prior to initialization. (See abstract)

Regarding **claim 4**, Ramfelt discloses:

wherein the first transfer path is coupled to the first stacking port and the second transfer path is coupled to the second stacking port. (One ring is coupled to one output port, and the other ring is coupled to the second output port. (See Fig. 1)

Regarding **claim 5**, Ramfelt discloses:

wherein a correct one of the first and second stacking ports is selected for a packet based on the initialization when a first computer coupled to one switch is about

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to send the packet to a second computer coupled to the other switch. (Col. 7 line 61 - Col. 8 line 11)

Regarding **claim 6**, Ramfelt discloses:

wherein each switch comprises a path determination software or chip so that when a first computer coupled to one switch is about to send a packet to a second computer coupled to the other switch, the path determination software or chip is adapted to compare and select a correct one of the first and second stacking ports and a correct one of the transfer paths based on a destination of the packet prior to transfer. (Col. 7 line 61 - Col. 8 line 11)

(10) Response to Argument

Rejection of Claims 1-6 under 35 U.S.C. 102(b) over Ramfelt

Appellant argues that Claim 1 is not anticipated by Ramfelt because "Ramfelt does not disclose "setting a plurality of predetermined interruption points for each node" and that "Ramfelt's designation node is not the recited interruption point as explicitly defined [in the] specification." (Brief, pg 6, lines 17-21) Further, Appellant argues these differences more specifically on page 8 of the brief, lines 1-23. Specifically applicant states: "The recited interruption point is one predetermined fixed point for dividing and selecting the data packet transferring path for every data packet from the corresponding node. " The Examiner notes that this limitation is not found in the instant claim 1.

The Examiner disagrees with Appellant's assertions that Ramfelt does not disclose "setting a plurality of predetermined interruption points for each node" and that

"Ramfelt's designation node is not the recited interruption point as explicitly defined [in the] specification."

The Examiner notes that Ramfelt, Col. 7 line 61- Col. 8 line 11 anticipates "setting a plurality of interruption points" as recited in Applicant's claims. By numbering the nodes, and performing the calculations as stated in this section of Ramfelt, the same methodology is achieved as "setting interruption points". The interruption point in this case is the midpoint of the circle. (See also Fig. 1, points 16 and 22 are the "interruption point for node 65)

The Examiner further notes that Appellant uses the term "designation node" throughout the arguments presented in the Brief. The Examiner cannot find a reference to a "designation node" in Ramfelt, and is assuming that Appellant intended to mean "destination node".

Further, Appellant argues that Ramfelt does not disclose: "each of the plurality of interruption points corresponding to one node on the ring topology network". (Brief, pg. 7 lines 18-20) The Examiner disagrees, because as shown in Fig. 1, the midpoints 16 and 22 correspond to the node 65, thus 16 and 22 are 'interruption points' as corresponding to node 65.

Even further, Appellant argues that Ramfelt does not disclose "positioning each interruption point at the farthest location from its corresponding node". (pg. 7 lines 20-22) As noted in the rejection and arguments above, the formula of Col. 8 lines 3-11 creates an 'interruption point' at the exact opposite point in the ring from the source node, (i.e. the markings 16 and 22 in Fig. 1).

Additionally, Appellant argues that Ramfelt does not disclose providing two paths for each node by using its corresponding interruption point as the dividing point. (pg. 7 lines 22-23) As noted in the rejection and arguments above, the formula of Col. 8 lines 3-11 chooses between two possible paths to reach the destination node, using the midpoint of the ring as a determining factor.

For these reasons, the rejection of claims 1-6 should be maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

MEK 9/13/2009

/NATHAN FLYNN/

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